

## **REMARKS**

These remarks are responsive to the Final Office Action mailed on December 11, 2006. Claim 1 has been amended. Claims 1-18 remain pending in this application for examination, claims 19-30 having been withdrawn. Allowance of the application is respectfully requested.

## **DRAWING OBJECTIONS**

The drawings are objected to under 37 CFR 1.83(a) on the ground that the limitation requiring that the frame extend inwardly from the peripheral wall toward the open central area below said support members is not shown. Applicant respectfully requests withdrawal of this objection.

The limitation in question has been removed from claim 1, and, therefore the rejection is improper and should be withdrawn.

## **SECTION 102**

Claims 1, 3-4, 8-9, 12, 15 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,500,939 to Gueret (hereinafter "Gueret"). This rejection is respectfully traversed.

Gueret fails to disclose or make obvious a toothbrush having a handle and a head with a frame having support members being disposed transversely and laterally across an open area of the frame, with the lateral support members being generally parallel to a longitudinal axis of the handle and perpendicular to the transverse support members and the lateral support members being spaced equidistant to each other and the transverse support members being spaced equidistant to each other, as required by independent claim 1.

In the embodiments of Figs. 8 and 12 of Gueret, the lateral support members extend at an angle of approximately 45° with respect to a longitudinal axis of its handle, not generally parallel to the handle. Accordingly, the rejection is improper and should be withdrawn.

### SECTION 103

#### **Claims 1, 2, and 8-12**

Claims 1, 2 and 8-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,836,036 to Ivory (hereinafter "Ivory") in view of U.S. Patent No. 6,779,851 to Bouchiere (hereinafter "Bouchiere"). Bouchiere is cited as disclosing joints being slots formed in an outer surface of a frame. This rejection is respectfully traversed.

Ivory fails to disclose or make obvious a toothbrush having a handle and a head with a frame having support members being disposed transversely and laterally across an open area of the frame, and a plurality of sets of joints located at spaced intervals of said frame, with each of the support members mounted against and connected to the outer surface of the frame at a set of joints, as required by independent claim 1.

The elements of Ivory noted in the Office Action as being lateral support members, namely elements 16-18 are **not connected at a set of joints** on the frame. Each of elements 16-18 is connected at one end to perimeter support portion 14 and at a second end thereof to a mounting area 28. Thus, only one end of each of these elements 16-18 is connected to the frame at a joint.

Bouchiere fails to overcome the deficiencies of Ivory noted above, since it does not disclose or make obvious a toothbrush having a handle and a head with a frame having support members being disposed transversely and laterally across an open area of the frame, with each of the support members mounted against and connected to the outer surface of the frame at a set of joints.

Accordingly, the rejection is improper and should be withdrawn.

#### **Claims 3-7**

Claims 3-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ivory in view of Bouchiere and further in view of U.S. Patent No. 6,045,649 to Weihrauch (hereinafter "Weihrauch"). Weihrauch is cited as disclosing bristles and

support members made of a thermoplastic material. This rejection is respectfully traversed.

Weihrauch fails to overcome the deficiencies of Ivory noted above, since it does not disclose or make obvious a toothbrush having a handle and a head with a frame having support members being disposed transversely and laterally across an open area of the frame, and a plurality of sets of joints located at spaced intervals of said frame, with each of the support members mounted against and connected to the outer surface of the frame at a set of joints, as required by independent claim 1, from which claims 3-7 depend.

Accordingly, the rejection is improper and should be withdrawn.

#### **Claims 13-14**

Claims 13-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ivory in view of Bouchiere and further in view of U.S. Patent No. 6,219,874 to van Gelder (hereinafter “van Gelder”). van Gelder is cited as disclosing bristles with rounded cleaning ends. This rejection is respectfully traversed.

van Gelder fails to overcome the deficiencies of Ivory noted above, since it does not disclose or make obvious a toothbrush having a handle and a head with a frame having support members being disposed transversely and laterally across an open area of the frame, and a plurality of sets of joints located at spaced intervals of said frame, with each of the support members mounted against and connected to the outer surface of the frame at a set of joints, as required by independent claim 1, from which claims 13-14 depend.

Accordingly, the rejection is improper and should be withdrawn.

#### **Claims 15-18**

Claims 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ivory in view of Bouchiere and further in view of U.S. Patent No. 6,088,870 to Hohlbein

(hereinafter "Hohlbein"). Hohlbein is cited as disclosing a base member having integral strands. This rejection is respectfully traversed.

Hohlbein fails to overcome the deficiencies of Ivory noted above, since it does not disclose or make obvious a toothbrush having a handle and a head with a frame having support members being disposed transversely and laterally across an open area of the frame, and a plurality of sets of joints located at spaced intervals of said frame, with each of the support members mounted against and connected to the outer surface of the frame at a set of joints, as required by independent claim 1, from which claims 15-18 depend.

Accordingly, the rejection is improper and should be withdrawn.

### CONCLUSION

It is respectfully submitted that this application is in condition for allowance. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 03-2455.

Respectfully submitted,

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